Date: Fri, 11 Jun 93 10:07:03 PDT

From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>

Errors-To: Ham-Policy-Errors@UCSD.Edu

Reply-To: Ham-Policy@UCSD.Edu

Precedence: Bulk

Subject: Ham-Policy Digest V93 #183

To: Ham-Policy

Ham-Policy Digest Fri, 11 Jun 93 Volume 93 : Issue 183

Today's Topics:

Blind VEs NOOI PRB-1 Loss (3 msgs)

Send Replies or notes for publication to: <ham-Policy@UCSD.Edu> Send subscription requests to: <ham-Policy-REQUEST@UCSD.Edu> Problems you can't solve otherwise to brian@ucsd.edu.

Archives of past issues of the Ham-Policy Digest are available (by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text herein consists of personal comments and does not represent the official policies or positions of any party. Your mileage may vary. So there.

Date: 11 Jun 93 14:27:50 GMT From: news-mail-gateway@ucsd.edu

Subject: Blind VEs
To: ham-policy@ucsd.edu

so how about making a proposal about how a VE would work with a blind member to the FCC such that this whole argument is cleared up?

screaming "racism" isn't going to get anyone anywhere.

The FCC wants a flat management structure for the exam system. Adding unaccredited people (human readers) probably won't cut it with them. This was set up such that the amateurs themselves would be running their own exams.

Let's get down to details here. Let's not forget that if a blind VE is just as good as a sighted VE, then we should be able to take it to the limit and have an entire exam conducted by only blind VEs. Make that case workable to the ECC.

This has to be a minimum burden on the candidates - can't expect them to make their answers in braille, for example.

Date: 11 Jun 1993 15:34:13 GMT

From: swrinde!cs.utexas.edu!asuvax!chnews!mstcsh!mgustoff@network.UCSD.EDU

Subject: NQOI PRB-1 Loss To: ham-policy@ucsd.edu

> Kim Elmore N50P Stated:

>

> Finally, whether or not *any* of us would want a 100' tower or >not is beside the point, as is whether or not NQ0I enjoys DXing, >contesting, rag-chewing, RTTY, AMTOR, PACTOR, 160 m, CW, fone, or >sunny days. It's not our station: it belongs to NQ0I. Whether or not >*I* think a 125' tower is a reasonable thing to have *in any case* >isn't the point (I'd love one, BTW). What is at stake here was (is) >1) did the County "reasonably accomodate ... with minimal regulation" >the legitimate activity of Amateur radio, 2) what does PRB-1 really >mean (read the Court's decision: they think it's essentially a waste >in that it provides no guidance whatsoever) and, to a lesser extent 3) >who's property is it anyway?

I concur with these statements completetly, the big issues is our rights are slowly being eroded as big brother (government) enters the picture more and more. Just compare the hoops jumped through 20 years ago for erecting a tower to those you have to jump through today. The red-tape is unbelieveable.

I began investigating the requirements for erecting my tower this summer. What I found out, is that 35' is the limit, unless you petition for a USE PERMIT allowing you to go 1' over this limit for each 1' the base of the tower resides from your property line. I was not at all happy about having to pay \$100 and apply for this permit, but had resolved to do it in order to proceed with plans for my 50' tower.

When I received the application paperwork in the mail from the city (Tempe, AZ). Eight to ten pages of red-tape which I could have dealt with, but very bothersome was the need to track down and provide to the city on self-adhesive address labels were the names and addresses of the 20 or so neighbors within roughly a 300' radius

of my home. Now the neighbors on both sides of me I've gotten to know fairly well, in the 2 years I've lived there, but the other 18, I know nothing of, and visa versa.

But surely, I'd be asking for trouble, if I were to contact them all for their name ${\sf name}$

to go with their address. First question out of their mouth (if they even answer

the

door to a stranger) is going to be WHY do you need my name and address? I asked the

city what would happen if there wasn't agreement from all these neighbors and they turned down my request for a use permit. They said, I could come through their appeals board, and enjoy lessening my bank account by another \$200, for that privledge. Beyond that is appeal processes that typically will require need of a lawyer, and thus potentially thousands of dollars.

I did contact a lawyer here. Apparently the federal court here has turned down PRB-1 as precedent setting, or enforceable, therefore making court appeals VERY difficult now in this state.

For those who say hey 35' is good enough, well I guess relative to you I should feel satisfied if you're forced to endure even more restrictions than I, but what will things be like in 20 more years. Maybe you'll no longer be allowed to have antennas outside at all. What happens if the zoning ordinances become as restrictive as what many CC&R's in new tract home developments have become. What if zoning boards acquire the power to control not only the physical aspects of your homesite, but in the upcoming RF interference wars of the 90's, they decide to place limits on the RF energy allowed to eminate from your home, and it equates to 5W, 1W, or 200mW. Hope you all enjoy the QRP challenge.

All in all I disagree with those who seem to suggest that NQOI was too demanding and he lost because he wouldn't settle for less. Well, if we as amateurs continue to settle for less (i.e. less tower restrictions, less allowable power, less frequency spectrum, etc. etc.) we'll soon be left with nothing. I'm thankful for NQOI's effort, as what I've learned already indicates it takes quite a bit of time, and money to stand up against "the system", and I commend him for that.

Well enough, of my 2 cents worth, I'm off to order a 35' tower, and begin my tower project. Maybe in 3-4 years I'll be able to make the move to one of the less restrictive regions of the valley (i.e. Mesa, Chandler, Phoenix where their limit is 75' or greater). Meanwhile, those amateurs out there who are vacationing or moving to the Phoenix area....stay clear of Tempe..

73 All

Mark- W07T

-

| Chandler, Arizona

Date: Fri, 11 Jun 93 16:19:38 GMT

From: usc!howland.reston.ans.net!agate!headwall.Stanford.EDU!nntp.Stanford.EDU!

umunhum!paulf@network.UCSD.EDU

Subject: NQOI PRB-1 Loss To: ham-policy@ucsd.edu

Ι

In article <1va811\$hr3@chnews.intel.com> mgustoff@mstcsh.uucp (My Box) writes: >All in all I disagree with those who seem to suggest that NQOI was too >demanding and he lost because he wouldn't settle for less. Well, if we as >amateurs continue to settle for less (i.e. less tower restrictions, less allowable

>power, less frequency spectrum, etc. etc.) we'll soon be left with nothing.

No, that's not what we're suggesting. I suggest that NQOI lost because he failed to take advantage of a reasonable compromise, which is mandated by PRB-1 (just *read* the written decision, it's in there). PRB-1 was meant to keep such compromises from reaching the reducto ab adsurdum conclusion that you mention. Unfortunately, because it has not been used for such purposes, it's now, as you indicate, full of holes as precident.

There are plenty of antenna systems that will outperform monoband beams on top of large towers. However, you can't buy them as premade appliances.

-=Paul Flaherty, N9FZX | "The National Anthem has become The Whine." ->paulf@Stanford.EDU | -- Charles Sykes, _A Nation of Victims_

Date: 11 Jun 1993 16:34:38 GMT

From: usc!howland.reston.ans.net!wupost!crcnis1.unl.edu!mcduffie@network.UCSD.EDU

Subject: NQOI PRB-1 Loss To: ham-policy@ucsd.edu

mgustoff@mstcsh.uucp (My Box) writes:

>For those who say hey 35' is good enough, well I guess relative to you I >should feel satisfied if you're forced to endure even more restrictions >than I, but what will things be like in 20 more years. Maybe you'll no >longer be allowed to have antennas outside at all. What happens if the >zoning ordinances become as restrictive as what many CC&R's in new tract >home developments have become. What if zoning boards acquire the power to >control not only the physical aspects of your homesite, but in the upcoming RF >interference wars of the 90's, they decide to place limits on the RF

>energy allowed to eminate from your home, and it equates to 5W, 1W, or 200mW. >Hope you all enjoy the QRP challenge.

>All in all I disagree with those who seem to suggest that NQOI was too >demanding and he lost because he wouldn't settle for less. Well, if we as >amateurs continue to settle for less (i.e. less tower restrictions, less allowable

>power, less frequency spectrum, etc. etc.) we'll soon be left with nothing.
>I'm thankful for NQOI's effort, as what I've learned already indicates it
>takes quite a bit of time, and money to stand up against "the system", and I
>commend him for that.

>Well enough, of my 2 cents worth, I'm off to order a 35' tower, and begin >my tower project. Maybe in 3-4 years I'll be able to make the move to one >of the less restrictive regions of the valley (i.e. Mesa, Chandler, Phoenix >where their limit is 75' or greater). Meanwhile, those amateurs out there who >are vacationing or moving to the Phoenix area....stay clear of Tempe..

>73 All

>Mark- W07T

Right On Mark! That's why I refuse to even think about living in or near a city/town. If it's my property, I believe I have the right to do anything with it or on it as long as it doesn't do anyone else harm. I wouldn't last a month in town. They would throw me in jail. Someone would probably try to tell me I couldn't shoot my guns in the back yard, or pee under the tree, or put up an antenna. I'd get in an argument with them and be in court in no time. These guys that live in cities and have neighbors within spitting distance have lost most of their freedoms already.

You guys can talk about this all you want. However, I don't think you realize just how serious the problem is in Boulder County. I know lots of hams in that area and it is a strange situation to say the least. There seems to be some sort of attitude in that area that doesn't exist anywhere else. By the way, in Boulder, the acronym PRB has a different meaning. That's the People's Republic of Boulder! Ask any of them. Why people live there is beyond me.

Mark, I'm working on acquiring a 220' self supporting tower to put in the backyard (someone will think I'm kidding, but I'm not). You are invited to help with the erection. :) Actually, I'll have to keep it under 200' because I'm too close to the airport.

Gary										

Date: 11 Jun 1993 14:38:03 GMT

From: swrinde!cs.utexas.edu!asuvax!chnews!news@network.UCSD.EDU

To: ham-policy@ucsd.edu

References <C8Bp5r.Apw@fc.hp.com>, <1v4pie\$e8v@chnews.intel.com>,

<1993Jun11.091936.896@bnr.ca> Subject : Re: VE's Unnecessary?

In article <1993Jun11.091936.896@bnr.ca> wdhyte@bnr.ca (David Hyte) writes:

>.... This may sound old

>fashioned and for my 39 (almost 40) years it probably is but I am >of the opinion that anything worth having is worth working for. As >a result, we (humanity) will tend to be a bit more zealous in the >guarding of something if we think others want it and that in order >to recieve it, have to demonstrate some level of commitment.

I have to disagree in the cases involving the issuance of licenses by governmental agencies. Those are legal and political matters. And I think it is appropriate to repeatedly question the authority under which such licenses are granted.

In the case of F.C.C. rules and regulations, that authority ultimately comes from the U.S. Constitution. The Constitution gives Congress the authority to regulate interstate commerce and Congress expresses its intent to do this through legislation creating the F.C.C.

But note that the constitutional purpose in granting this authority is to regulate interstate commerce, not to impose the Protestant work ethic on the citizenry. To be constitutional, any law, rule or regulation must be shown to be necessary for the regulation of interstate commerce. If it is not, then it is arbitrary.

An operator-skill test that is necessary to ensure the safe and orderly flow of interstate commerce is, in my opinion, legal. A test which has the purpose of inculcating self-discipline and demonstrating a commitment to a common set of values is not.

> So,

>for VEs, we had to demonstrate our commitment to the hobby and the >established process (and the evolution thereof). Why is it therefore >unreasonable to think that if someone wants to become a member of the >rank and file, that the person(s) allowing them access will also be >members of the same group?

My purpose in applying for an amateur radio license is to comply with federal law. My licensing is a matter between me and the United

States of America. I do not wish to join a fraternity or any other group and, indeed, any requirement to do so would violate my constitutional right of freedom of association.

>Am I better qualified to test someone than the clerk/admin/city hall? >Of course I am. I've gained an appreciation for the task that they >are about to take on.

As a Volunteer Examiner, you are, in fact, an agent of the federal government. Your qualifications for such an appointment are stated in Part 97. However, these qualifications exist at the pleasure of the Commission and my be changed by them following the usual procedures. And these qualifications may also be subject to other federal statutes and regulations. The contention of blind licensees apparently is that the requirement that a V.E. be a sighted person violates several such statutes.

>Seems to me there is a lot >more to the hobby than just twisting some knobs, cranking up the KW and >seeing how much TVI havoc we can wrack within the neighborhood.

There is no more, nor no less, to the hobby than being a licensed radio service.

>Liken this to the medical field, or law enforcement, or countless others >where you are tested. I certainly feel better knowing that my doctor >has had testing from a group other than my mother just because she >decided she was qualified to perform the testing herself.

I believe that both of these cases do not involve interstate commerce.

>73 de Dave 7J1AIW/WZ1S

Jim, W5GYJ (jbromley@sedona.intel.com)

Date: Fri, 11 Jun 93 15:42:30 GMT

From: usc!howland.reston.ans.net!agate!headwall.Stanford.EDU!nntp.Stanford.EDU!

kellyj@network.UCSD.EDU To: ham-policy@ucsd.edu

References <25386@drutx.ATT.COM>, <1993Jun10.160744.10341@leland.Stanford.EDU>, <cole.186.739750617@soldev.tti.com>

Subject : Re: NQOI Loses Big PRB-1 Antenna Case

In article <cole.186.739750617@soldev.tti.com> cole@soldev.tti.com (Randy Cole)
writes:

```
>In article <1993Jun10.160744.10341@leland.Stanford.EDU>
paulf@umunhum.stanford.edu (Paul Flaherty) writes:
>>From: paulf@umunhum.stanford.edu (Paul Flaherty)
>>Subject: Re: NOOI Loses Big PRB-1 Antenna Case
>>Date: Thu, 10 Jun 93 16:07:44 GMT
>>I have to agree with the appellate court here. The 60 foot crank up tower
>>would have been more than adequate, NQOI's comments about wind notwithstanding.
>>Good quality crankups can be guyed, and are far less of a pain to deal with
>>than those that require you to haul out a climbing belt.
>>
>>PRB-1 is being wasted by hams who seem to think that it means that they can
>>build any antenna they want.
>>
>>--
>>-=Paul Flaherty, N9FZX | "The National Anthem has become The Whine."
>>->paulf@Stanford.EDU | -- Charles Sykes, _A Nation of Victims_
>I also have to agree with the appellate court. If NOOI wanted to be a
>DX king with an aluminum forest he should have thought about that when
>he bought the property. I've done pretty well with a tribander at 25' in
>urban Los Angeles. I don't think a 35' tower would have been all
>that bad.
> Stuff Deleted
>Randy Cole
>KN6W
>cole@soldev.tti.com
```

You may do OK with a tribander at 25', but you'd probably do better with monobanders at 100'. Of course, in LA, you're lucky that anyone will allow a 25 footer.

I have to disagree to a certain extent with your "he should have thought about that when he bought the property" comment. To a certain extent I agree, but my big complaint is that almost ALL new developments anywhere near a metropolitan area have zoning restrictions that practically eliminate ANY possibility of erecting towers (and antennas) whatsoever. My complaint is that there should be areas of each metropolitan area where those zoning restrictions are not allowed. I understand why many people like strict zoning restrictions, but there are also alot of people (like myself) that feel prohibiting painting your house, leaving your garage door open, parking RVs in the driveway, and erecting a tower is to restrictive. There should be areas where people don't have to live with the strict CC&R's. My point is that if you choose to live in MOST metropolitan areas and choose to buy a home in a relatively new housing development, you almost ALWAYS give up

your right to many of the things I listed. You have NO option. Could you imagine the outrage if cities started to have zoning restrictions that prohibited ALL pets or ALL children. Nobody would stand for it. Prohibiting towers is easy because very few people are negatively affected by it since most people have cable TV these days. Prohibiting RVs and painting your house something other than the "allowable" colors is also easy because you only prohibit something that a "minority" of people would like to do. Basically, it's a form of discrimination. I don't expect ALL housing developments to allow these things, but I DO feel that some of them should. There SHOULD be some place to go if you don't like those strict CC&Rs, and I don't mean CANADA, and I don't mean the NEVADA desert!!

- Kelly Johnson AA6BE

Date: Fri, 11 Jun 1993 12:50:55 GMT

From: swrinde!cs.utexas.edu!uwm.edu!caen!uvaarpa!murdoch!livia.acs.Virginia.EDU!

jeg7e@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <cole.186.739750617@soldev.tti.com>, <1993Jun10.232329.17773@ncar.ucar.edu>, <1993Jun11.030623.18992@physics.unr.edu> Subject : Re: NQOI Loses Big PRB-1 Antenna Case

In article <1993Jun11.030623.18992@physics.unr.edu> mswmod@nimbus.sage.unr.edu
(stark) writes:

>I too live in a windy area. Will have my tower up before winter. >Not sure how high...but will be as high as I can afford and that >will land on my place if it falls.

>Other than that, I really don't care what anyone thinks. If you >own the land, then it's up to you to do what you want. Anything >else should belong in Hitler's old germany!!

Amazing how consistant the reference to Hitler is on USENET. Hee Hee...

_ _

These opinions may not be unique, and they may not express the views of U.Va.

Date: Fri, 11 Jun 1993 16:22:58 GMT

From: usc!howland.reston.ans.net!usenet.ins.cwru.edu!gatech!ncar!

elmore@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <25386@drutx.ATT.COM>, <1993Jun10.160744.10341@leland.Stanford.EDU>,

<john.739732048@misty>(

Subject : Re: NQOI Loses Big PRB-1 Antenna Case

In article <john.739732048@misty> john@anasazi.com (John R. Moore) writes: >Actually, I'm not sure this ruling should be considered a defeat. Sure, >the ham was defeated, but his request really was unreasonable. On the >other hand, the court seemed willing to use PRB-1 to allow a 35 foot tower >or a 60 foot crankup. That would be considered a serious victory in >many parts. This may actually set a good precedent in that regard.

I'm sorry, but this reasoning escapes me, John. Is it that a 125' tower is unresonable under any circumstance, that it's unreasonable around any other people, or that it's unreasonable on 1.28 acres? Or is there another test for reasonability that I missed?

NQOI wanted to feed the tower for 160 m operation and wanted to have an optimal antenna for the higher bands. He did a great deal of EM modelling, using high resolution terrain maps to determine how signals from different antennas at different heights might be affected by Fresnel effectts. It turns out that heights become critical near the Rockpile, especially when one is interested in DXing and DX contests. Here in CO, contests are won or lost based upon the ability to run JAs. The 125' height was optimal for all the pourposes NQOI had in mind.

Bear in mind that the 60' height offered by the County was unavailable within the limitations imposed. Is it reasonable that the antenna may only be used during hours of darkness (or during bona fide emergencies, as determined by the County)? Is it reasobale that no guys my be attached or visible during daylight hours? Frankly, I view these restrictions as at least onerous. Perhaps they sound reasonable to others...

Must every amateur who wishes to put up anything besides a 3 el tribander at 35' seek consensus from the amateur community that it is a "reasonable" thing to do before proceeding?

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Kim Elmore, [N50P, PP ASEL/Glider 2232456]
       Said by NQOI while working on his shack:
        "All these *wires*! Why do they call it `wireless'!?"
*
  Date: 11 Jun 93 14:34:51 GMT
From: usc!howland.reston.ans.net!math.ohio-state.edu!uwm.edu!msuinfo!
netnews.upenn.edu!gopher.cs.uofs.edu!polygon.cs.uofs.edu!bill@network.UCSD.EDU
To: ham-policy@ucsd.edu
References <1993Jun3.163519.4552@hemlock.cray.com>,
<1v87g8$3m@techbook.techbook.com>, <1v94cn$c06@ni.umd.edu>
Subject : Re: Buying radios without a license
In article <1v94cn$c06@ni.umd.edu>, louie@sayshell.umd.edu (Louis A. Mamakos)
writes:
|> In article <1v87g8$3m@techbook.techbook.com> genew@techbook.techbook.com (Gene
Wolford) writes:
|>
|> >Just try to beat off a mugger with that rubber duck! :-}
1>
|> Do not underestimate the ability of a Motorola HT-220 to put a dent in
|> your head when weilded by its rubber duck. And afterwards, you can
> use it to call for assistance.
Call for assistance for who??
You or the guy who was hit on the head with the HT-220?? :-)
                      | "There are no evil thoughts, Mr. Reardon" Francisco
Bill Gunshannon
bill@cs.uofs.edu
                      | said softly, "except one; the refusal to think."
University of Scranton
Scranton, Pennsylvania
                              #include <std.disclaimer.h>
Date: 11 Jun 1993 16:53:39 GMT
From: usc!wupost!crcnis1.unl.edu!mcduffie@network.UCSD.EDU
To: ham-policy@ucsd.edu
References <1993Jun10.160744.10341@leland.Stanford.EDU>,
<cole.186.739750617@soldev.tti.com>, <1993Jun11.154230.12536@leland.Stanford.EDU>
Subject: Re: NOOI Loses Big PRB-1 Antenna Case
```

kellyj@leland.Stanford.EDU (Kelly Johnson) writes:

>..... I understand

>why many people like strict zoning restrictions, but there are also
>alot of people (like myself) that feel prohibiting painting your house,
>leaving your garage door open, parking RVs in the driveway, and
>erecting a tower is to restrictive.

Are there REALLY places that won't let you leave your garage door open? Now I've heard it all!

>There should be areas where people don't have to live with the strict >CC&R's.

But, how would you like it if all hams were told that they could only live in "this part of town" or "that part of town"? Maybe I don't like the view from that part of town. Maybe I don't want to have to timeshare the bands with all my neighbors because they are all hams and we live too close together.

>Basically, it's

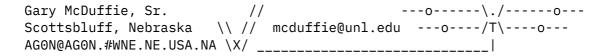
>a form of discrimination. I don't expect ALL housing developments
>to allow these things, but I DO feel that some of them should.
>There SHOULD be some place to go if you don't like those strict
>CC&Rs, and I don't mean CANADA, and I don't mean the NEVADA desert!!

>- Kelly Johnson >AA6BE

You're right, Kelly. It IS discrimination. But, without numbers, you can't fight it. Only the rich and organized can fight this sort of thing. What's where our illustrious ARRL should be putting its efforts. The League needs to do something other than sit around and get old.

By the way, in my other post on this subject, I should have mentioned that the day they try to come on my property and tell me I can't put up an antenna is the day you will see the beginning of another Waco on a smaller scale. Some of us are damned tired of being told what we can and can't do on our own property.

Cheers!



Date: Fri, 11 Jun 1993 12:52:34 GMT From: swrinde!cs.utexas.edu!uwm.edu!caen!uvaarpa!murdoch!livia.acs.Virginia.EDU! jeg7e@network.UCSD.EDU To: ham-policy@ucsd.edu References <1993Jun10.232329.17773@ncar.ucar.edu>, <1993Jun11.030623.18992@physics.unr.edu>, <1v90pt\$lfu@doc.cc.utexas.edu> Subject : Re: NQOI Loses Big PRB-1 Antenna Case In article <1v90pt\$lfu@doc.cc.utexas.edu> aggedor@doc.cc.utexas.edu (The Monster of Peladon) writes: >In article <1993Jun11.030623.18992@physics.unr.edu> mswmod@nimbus.sage.unr.edu (stark) writes: >>Other than that, I really don't care what anyone thinks. If you >>own the land, then it's up to you to do what you want. Anything >>else should belong in Hitler's old germany!! >> >>73, Ron, KU7Y >> >> >I agree wholeheartedly with this sentiment. As far as I'm concerned if one owns >the land, one can do what one likes with it. Sure, Sure.... Like running a drug peddling and kiddie porn ring, right? C'mon, this is a SOCIETY, and we've gotta work TOGETHER. The only good thing about social darwinists is that they are dying out as a result of natural selection. :) - -These opinions may not be unique, and they may not express the views of U.Va. | Security and Technology Planning R&D \ | I.T.C. Administrative Computing Services \ / / | a Family Value! The University, UVA. Carruthers Hall ~~~~~~\/~~~~ 73 de KD4CQY

End of Ham-Policy Digest V93 #183 **********